

DT07 Rec'd PCT/PTO 11 FEB 2005

FORM PTO-1390 (Modified)  
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
(REV 12-2004)

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>081356-0232</b> U.S. APPLICATION NO. (If known) see 37 C.F.R. 1.5 Unassigned <b>107524193</b>
INTERNATIONAL APPLICATION NO. PCT/JP2003/010209	INTERNATIONAL FILING DATE 8/11/2003	PRIORITY DATE CLAIMED 8/12/2002
TITLE OF INVENTION NOVEL EXPRESSION VECTOR SUITABLE FOR EXPRESSION OF RECOMBINANT PROTEIN AT LOW TEMPERATURE		
APPLICANT(S) FOR DO/EO/US Nobutaka NAKASHIMA, et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ul> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern other document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 and PTO/SB/08.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Petition to Accept Color Drawings with Amendment</p>		

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U.S. APPLICATION NO. (If known, see 37 CFR. 1.5) APPL_NO UNASSIGNED		INTERNATIONAL APPLICATION NO. PCT/JP2003/010209		ATTORNEY'S DOCKET NUMBER 081356-0232																									
21. <input checked="" type="checkbox"/> The following fees are submitted:																													
<table border="1"> <tr> <td><input checked="" type="checkbox"/></td> <td>a) Basic national fee</td> <td>\$300.00</td> <td>\$ 300.00</td> <td></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>b) Examination fee</td> <td>\$200.00</td> <td>\$ 200.00</td> <td></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>c) Search fee</td> <td>\$500.00</td> <td>\$ 500.00</td> <td></td> <td></td> </tr> <tr> <td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$1000.00</td> <td>\$ 1000.00</td> <td></td> </tr> </table>						<input checked="" type="checkbox"/>	a) Basic national fee	\$300.00	\$ 300.00			<input checked="" type="checkbox"/>	b) Examination fee	\$200.00	\$ 200.00			<input checked="" type="checkbox"/>	c) Search fee	\$500.00	\$ 500.00			TOTAL OF ABOVE CALCULATIONS =			\$1000.00	\$ 1000.00	
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<input checked="" type="checkbox"/>	c) Search fee	\$500.00	\$ 500.00																										
TOTAL OF ABOVE CALCULATIONS =			\$1000.00	\$ 1000.00																									
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.																													
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE																										
181 - 100 =	81 /50 =	2	x \$250.00	\$ 500.00																									
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))				\$ 0.00																									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																									
Total Claims	46 - 20 =	26	x \$ 50.00	\$ 1300.00																									
Independent Claims	6 - 3 =	3	x \$ 200.00	\$ 600.00																									
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$ 360.00	\$ 360.00																								
TOTAL OF ABOVE CALCULATIONS =				\$ 3760.00																									
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				+ \$ 0.00																									
				SUBTOTAL =	\$ 3760.00																								
Petition fee of 130.00 for Petition to Accept Photographs Under 37 CFR 1.84.				\$ 130.00																									
				TOTAL NATIONAL FEE =	\$ 3890.00																								
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property				\$ 40.00																									
				TOTAL FEES ENCLOSED =	\$ 3930.00																								
				Amount to be refunded:																									
				charged:																									
a. <input checked="" type="checkbox"/> A check in the amount of \$3,930.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.																													
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																													
SEND ALL CORRESPONDENCE TO:																													
Foley & Lardner LLP Customer Number: 22428																													
 SIGNATURE Stephen A. Bent																													
NAME 29,768																													
REGISTRATION NUMBER																													

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Nobutaka NAKASHIMA, et al.

Title: NOVEL EXPRESSION VECTOR  
SUITABLE FOR EXPRESSION  
OF RECOMBINANT PROTEIN  
AT LOW TEMPERATURE

Appl. No.: Unassigned

Filing Date: 2/11/2005

Examiner: Unassigned

Art Unit: Unassigned

**PETITION TO ACCEPT COLOR DRAWINGS UNDER 37 CFR 1.84**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 1.84(a)(2), Applicants petition for the acceptance of Fig. 2 (color photograph) to be entered in the above-captioned application.

In support thereof, Applicants submit:

- I) A fee in the amount of \$130.00 as is set forth under 37 CFR 1.17(h);
- II) Five (5) sets of three (3) sheets each of Figs. 12, 15, 16, 17 and 18 (all in color);
- III) A black and white copy that accurately depicts, to the extent possible, the subject matter illustrated in the color drawing; and
- IV) An amendment to the specification indicating that the application contains color photos.

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In the Specification:

On page 1, directly beneath the title, please insert the following

--The application contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.--

**REMARKS**

Fig. 12 shows the result of the measurement 1 of the PIP activity using the inducible expression vector. Fig. 15 shows the result of the measurement 3 of the PIP activity using the inducible expression vector. Fig. 16 is a photograph in which the result of purification 1 of the foreign protein using the inducible expression vector. Fig. 17 is a photograph in which the result of purification 2 of the foreign protein using the inducible expression vector. Fig. 18 is a photograph in which the result of purification 3a of the foreign protein using the inducible expression vector. The results of these measurements are best depicted in color and the photographs enhance visual contrast, which otherwise might be indistinct.

Respectfully submitted,

By 

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768

Date February 11, 2005

FOLEY & LARDNER LLP

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Facsimile: (202) 672-5399